

603 KAR 5:115. Coal-haul highway system; reporting requirements.

RELATES TO: KRS 42.455(8), 177.977, 177.9771

STATUTORY AUTHORITY: KRS 42.455(8), 174.080(2), 177.977(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080(2) and 177.977(2) authorize the Transportation Cabinet to promulgate administrative regulations regarding the designation of the official coal-haul highway system. Reporting by shippers or owners of coal or coal by-products is necessary for the annual preparation and publication of the report of the coal-haul highway system. This administrative regulation designates the procedures and intervals by which information shall be reported to the cabinet by a shipper or owner.

Section 1. Definitions. (1) "Coal by-product" means:

- (a) Bottom ash;
- (b) Burned coal waste known as red dog;
- (c) Coal cinders;
- (d) Coal slag;
- (e) Fly ash;
- (f) Scrubber sludge; or
- (g) Wet bottom boiler slag.

(2) "First interval" means January 1 through June 30.

(3) "Interval" means a semiannual reporting period.

(4) "Owner" means an individual, partnership, joint venture, association or corporation that owns the coal at the time of transport.

(5) "Second interval" means July 1 through December 31.

Section 2. Reporting Requirements. (1) An owner shall file with the cabinet form TC 59-100, "Coal Shipment Route and Tonnage Report", within thirty (30) days after the interval in which coal is shipped over a:

- (a) Road; or
- (b) Rural and secondary road.

(2) A form TC 59-100 shall be filed for the shipment of coal to or from the following:

- (a) Mine mouth or pit;
- (b) Processing plant;
- (c) Tipple;
- (d) Loading dock; or
- (e) Customer.

(3) Form TC 59-100 shall be completed by providing the following information about the coal being reported:

- (a) Origin;
- (b) Destination;
- (c) Tonnage; and
- (d) Specific route used for transportation of the coal with approximate mileage.

(4) Form TC 59-100 shall be mailed semiannually in December and June by the Division of Planning, Transportation Cabinet to various entities involved with mining, processing, transporting, or brokering coal.

(5) Nonreceipt of Form TC 59-100 shall not excuse the failure to submit the required information.

Section 3. Reporting Responsibility. (1) It shall be the exclusive responsibility of an owner of coal transported over a road or rural and secondary road to ensure that the coal transportation is report-

ed accurately to the Transportation Cabinet. The reporting may be done by the:

- (a) Owner;
- (b) Owner's agent;
- (c) Contractor;
- (d) Processor; or
- (e) Shipper.

(2)(a) An owner who doesn't ship coal during an interval shall inform the cabinet of that fact on or before the due date for that interval's report.

(b) An owner who does not have an active coal severance tax number or is not engaged in the transportation of coal, may notify the cabinet of the nature of his operation and have his name temporarily or permanently removed from the cabinet's mailing list.

Section 4. Reconciliation of Data. (1) Prior to finalizing the report, the Division of Transportation Planning may:

- (a) Delete duplicate information;
- (b) Reconcile an ambiguity;
- (c) Correct an error;
- (d) Consider a prior year report; and
- (e) Consider other relevant information concerning a coal transportation route.

(2) The entity reporting the data shall not report a correction to the reported data after it has been compiled and submitted to the Department of Local Government as required by KRS 42.455.

(3) If the Transportation Cabinet misinterprets data submitted pursuant to Section 3 of this administrative regulation, causing the Department of Local Government to make an erroneous calculation in the distribution of the coal severance tax, the cabinet shall notify the Department of Local Government of the necessary change.

Section 5. Reporting of Coal By-products. (1) Coal by-product transportation information may be reported to the Transportation Cabinet in the same manner as coal transportation information and on the same form designated and furnished by the cabinet.

(2) Coal by-product information shall be reported separately from the information required on coal transportation. Across the top of the TC 59-100 Form the person reporting the shipment of coal by-product shall clearly type or mark in all capital letters "MATERIAL SHIPPED IS COAL BY-PRODUCT, NOT COAL."

Section 6. Extended Weight Coal and Coal By-products Haul System. (1) The data collected and compiled from Form TC 59-100 shall be the basis for the Transportation Cabinet's designating the road segments included in the Extended Weight Coal or Coal By-products Haul System in 603 KAR 5:230.

(2) Failure of an owner to submit the required data relative to the transportation of either coal or a coal by-product may result in the omission of a road segment from inclusion in 603 KAR 5:230.

Section 7. Material Incorporated by Reference. (1) Transportation Cabinet Form TC 59-100, "Coal Shipment Route and Tonnage Report" as effective July 1996, is incorporated by reference in this administrative regulation.

(2) Copies of the material incorporated by reference may be viewed, copied, or obtained from the Transportation Cabinet, Division of Planning, Transportation Cabinet Building, 200 Mero Street, Frankfort Kentucky 40622. The office hours are 8 a.m. to 4:30 p.m. local prevailing time on weekdays. The telephone number is (502) 564-7183. (8 Ky.R. 952; eff. 4-7-1982; 13 Ky.R. 1257; eff. 2-10-1987; 15 Ky.R. 551; 1092; eff. 11-1-1988; 22 Ky.R. 789; eff. 1-8-1996; 23 Ky.R. 2266; 2985; eff.

2-10-1997; TAm eff. 6-4-2009; Crt eff. 3-11-2019.)